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IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ALASKA

UIC GOVERNMENT SERVICES, LLC,
ARROWDATA, LLC AND UKPEAGVIK
INUPIAT CORPORATION

Plaintiffs,

v.

JAMES FLEITZ, MICHAEL FRECHETTE,
RONALD FUTRELL, KEVIN FALLICO,
WILLIAM O'DONNELL, JASON DAUB,
and AVISIGHT, LLC,

Defendants.

Case No. _____

NOTICE OF REMOVAL OF ACTION

U.S.C. § 1441(b) (DIVERSITY)

To: Clerk of the Court

And to: Howard S. Trickey
Robert J. Misulich
Holland & Knight LLP
Anchorage, AK 99501

Pursuant to 28 U.S.C. § 1441, Defendants James Fleitz, Michael Frechette, Ronald Futrell, Kevin Fallico, William O'Donnell, Jason Daub and AviSight, LLC hereby remove Case No. 3AN-15-10552 Civil, *UIC Government Services, LLC, ArrowData, LLC, and Ukpeagvik Iñupiat Corporation v. James Fleitz, Michael Frechette, Ronald Futrell, Kevin Fallico, William O'Donnell, Jason Daub and AviSight, LLC* from the Superior Court of Alaska, Third Judicial District at Anchorage, to the United States District Court for the District of Alaska.

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A. Nature Of The Case

Plaintiffs UIC Government Services, LLC, ArrowData, LLC and Ukpeaġvik Iñupiat Corporation (“Plaintiffs”) filed this lawsuit in state court against Defendants James Fleitz, Michael Frechette, Ronald Futrell, Kevin Fallico, William O’Donnell, Jason Daub and AviSight, LLC (“Defendants”) on October 30, 2015 (“State Court Action”). The lawsuit alleges claims for breach of contract, misappropriation of trade secrets, intentional interference with chattels, interference with contract and prospective economic advantage, breach of fiduciary duty and unfair and deceptive trade practices. Plaintiffs seek damages in an amount to be proven at trial, but stated in the prayer for relief of their complaint that their damages are in excess of \$100,000.

B. This Court Has Diversity Jurisdiction

This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)(1) because 1) the amount in controversy exceeds \$75,000 exclusive of interest and costs, as set out in the complaint in the State Court Action; and 2) this action is between citizens of different states, as discussed below.

The complaint in the State Court Action states that Plaintiff UIC Government Services, LLC (“UICGS”) is an Alaska limited liability company managed by its sole member, Ukpeaġvik Iñupiat Corporation, which is an Alaska Native village corporation, organized and existing pursuant to the Alaska Native Claims Settlement Act (*see* Complaint at ¶¶1, 3), and is therefore a citizen of Alaska. ArrowData, LLC is stated in the complaint to be a Nevada limited liability corporation, managed by its sole member, UICGS. As the Ninth Circuit held in *Johnson v. Columbia Properties Anchorage LP*, 437 F.3d 894, 899 (9th Cir. 2006), the citizenship of LLCs for purposes of diversity jurisdiction is controlled by the citizenship of its members, and an LLC is therefore a citizen of the states where its members are citizens. Accordingly, UICGS is a citizen of Alaska for purposes of diversity jurisdiction by virtue of Ukpeaġvik Iñupiat

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Corporation being its sole member, and ArrowData is a citizen of Alaska for purposes of diversity jurisdiction by virtue of UICGS being its sole member.

In contrast, all of the Defendants are citizens of Nevada. Defendants Fleitz, Frechette, Futrell, Fallico, O'Donnell and Daub were and are residents of Nevada and domiciled in Nevada, both at the time the Complaint was filed, and when this Notice of Removal is filed, and are therefore citizens of Nevada for purposes of diversity jurisdiction. Defendant AviSight, LLC is a Nevada Limited Liability Corporation, whose members are Defendants Fleitz and Frechette (who as stated above are citizens of Nevada), and The Brennan Consulting Group, LLC, a Nevada Limited Liability Corporation whose members are Mark H. Brennan and Susan M. Brennan, both of whom are residents of, and domiciled in, Nevada and therefore citizens of Nevada for purposes of diversity jurisdiction. Accordingly, there is complete diversity of citizenship between the plaintiffs and the defendants in this action, as all of the plaintiffs are citizens of Alaska and all of the defendants are citizens of Nevada.

C. Venue Is Proper

Venue is proper in this Court pursuant to 28 U.S.C. §§ 81A and 1446(a), because the District Court of Alaska is the court for the federal district in which the State Court Action is pending.

D. Removal Is Timely

The Notice of Removal is timely under 28 U.S.C. § 1446(b). The Complaint in the State Court Action was filed on October 30, 2015, and the first date upon which any of the defendants received a copy of the Complaint was October 30, 2015. This Notice of Removal is filed within 30 days of that date.

E. Process, Pleadings, And Orders Attached

Pursuant to 28 U.S.C. § 1446(a), Defendants have attached the following documents which consist of all documents from the state court proceeding which have been served on any of them:

EXHIBIT A Summons and Complaint for Damages and Injunctive Relief

Notice To Parties And To The State Court

Pursuant to 28 U.S.C. § 1446(d), a written notice of filing of this Notice of Removal has been filed in the State Court Action.

Conclusion

Pursuant to 28 U.S.C. § 1441, Defendants hereby remove the State Court Action from the Superior Court for the State of Alaska, Third Judicial District at Anchorage, to this Court.

Dated this 3rd day of November, 2015.

K&L GATES LLP

By: _____ /s/

Jennifer M. Coughlin, Alaska Bar No. 9306015

John Parsi, Alaska Bar No. 120522

Attorneys for Defendants Fleitz, Frechette,
Futrell, Fallico, O'Donnell, Daub and AviSight
LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2015, this document was served by mail and email upon the following:

Howard S. Trickey
Robert J. Misulich
Holland & Knight LLP
601 W. Fifth Avenue, Suite 700
Anchorage, AK 99501

By: /s/ Jennifer M. Coughlin